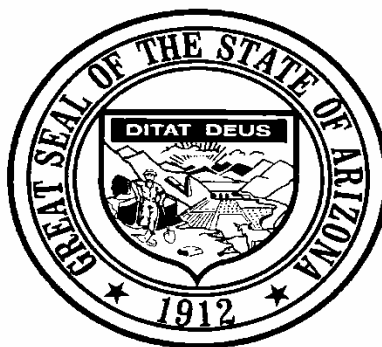


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State of Arizona  
Board of Psychologist Examiners

# STATUTES

**ARIZONA REVISED STATUTES  
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**ARIZONA REVISED STATUTES  
CHAPTER 19.1  
PSYCHOLOGISTS**

**ARTICLE 1. BOARD OF PSYCHOLOGIST EXAMINERS**

**32-2061. Definitions; court ordered evaluations**

A. In this chapter, unless the context otherwise requires:

1. "Active license" means a valid and existing license to practice psychology.
2. "Adequate records" means records containing, at a minimum, sufficient information to identify the client, the dates of service, the fee for service, the payments for service, the type of service given and copies of any reports that may have been made.
3. "Board" means the state board of psychologist examiners.
4. "Client" means a person or an entity that receives psychological services. A corporate entity, a governmental entity or any other organization may be a client if there is a professional contract to provide services or benefits primarily to an organization rather than to an individual. If an individual has a legal guardian, the legal guardian is the client for decision-making purposes, except that the individual receiving services is the client for:
  - (a) Issues that directly affect the physical or emotional safety of the individual, such as sexual or other exploitative relationships.
  - (b) Issues that the guardian agrees to specifically reserve to the individual.
5. "Exploit" means actions by a psychologist who takes undue advantage of the professional association with a client, student or supervisee for the advantage or profit of the psychologist.
6. "Health care institution" means a facility as defined in section 36-401, a person who is authorized to transact disability insurance pursuant to title 20, chapter 6, article 4 or 5 or a person who is issued a certificate of authority pursuant to title 20, chapter 4, article 9.
7. "Letter of concern" means an advisory letter to notify a psychologist that while there is insufficient evidence to support disciplinary action the board believes the psychologist should modify or eliminate certain practices and that continuation of the activities that led to the information being submitted to the board may result in action against the psychologist's license.

8. "Practice of psychology" means the psychological assessment, diagnosis, treatment or correction of mental, emotional, behavioral or psychological abilities, illnesses or disorders or purporting or attempting to do this consistent with section 32-2076.
9. "Psychological service" means all actions of the psychologist in the practice of psychology.
10. "Psychologically incompetent" means a person lacking in sufficient psychological knowledge or skills to a degree likely to endanger the health of clients.
11. "Psychologist" means a natural person holding a license to practice psychology pursuant to this chapter.
12. "Supervisee" means any person who functions under the extended authority of the psychologist to provide, or while in training to provide, psychological services.
13. "Unprofessional conduct" includes the following activities whether occurring in this state or elsewhere:
  - (a) Obtaining a fee by fraud or misrepresentation.
  - (b) Betraying professional confidences.
  - (c) Making or using statements of a character tending to deceive or mislead.
  - (d) Aiding or abetting a person who is not licensed pursuant to this chapter in representing that person as a psychologist.
  - (e) Gross negligence in the practice of a psychologist.
  - (f) Sexual intimacies or sexual intercourse with a current client or a supervisee or with a former client within two years after the cessation or termination of treatment. For the purposes of this subdivision, "sexual intercourse" has the same meaning prescribed in section 13-1401.
  - (g) Engaging or offering to engage as a psychologist in activities not congruent with the psychologist's professional education, training and experience.
  - (h) Failing or refusing to maintain and retain adequate business, financial or professional records pertaining to the psychological services provided to a client.
  - (i) Commission of a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. In either case, conviction by a court of competent jurisdiction or a plea of no contest is conclusive evidence of the commission.
  - (j) Making a fraudulent or untrue statement to the board or its investigators, staff or consultants.
  - (k) Violating any federal or state laws or rules that relate to the practice of psychology or to obtaining a license to practice psychology.

- (l) Practicing psychology while impaired or incapacitated to the extent and in a manner that jeopardizes the welfare of the client or renders the psychological services provided ineffective.
- (m) Using fraud, misrepresentation or deception to obtain or attempt to obtain a psychology license or to pass or attempt to pass a psychology licensing examination or in assisting another person to do so.
- (n) Unprofessional conduct in another jurisdiction that resulted in censure, probation or a civil penalty or in the denial, suspension, restriction or revocation of a certificate or license to practice as a psychologist.
- (o) Providing services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current standards of practice.
- (p) Falsely or fraudulently claiming to have performed a professional service, charging for a service, or representing a service as the licensee's own when the licensee has not rendered the service or assumed supervisory responsibility for the service.
- (q) Representing activities or services as being performed under the licensee's supervision if the psychologist has not assumed responsibility for them and has not exercised control, oversight and review.
- (r) Failing to obtain a client's informed and written consent to release personal or otherwise confidential information to another party unless the release is otherwise authorized by law.
- (s) Failing to make client records in the psychologist's possession promptly available to another psychologist licensed pursuant to this chapter on receipt of proper authorization to do so from the client, a minor client's parent, the client's legal guardian or the client's authorized representative or failing to comply with title 12, chapter 13, article 7.1.
- (t) Failing to take reasonable steps to inform or protect a client's intended victim and inform the proper law enforcement officials in circumstances where the psychologist becomes aware during the course of providing or supervising psychological services that a client intends or plans to inflict serious bodily harm to another person.
- (u) Failing to take reasonable steps to protect a client in circumstances where the psychologist becomes aware during the course of providing or supervising psychological services that a client intends or plans to inflict serious bodily harm to self.
- (v) Abandoning or neglecting a client in need of immediate care without making suitable arrangements for continuation of the care.
- (w) Engaging in direct or indirect personal solicitation of clients through the use of coercion, duress, undue influence, compulsion or intimidation practices.

- (x) Engaging in false, deceptive or misleading advertising.
  - (y) Exploiting a client, student or supervisee.
  - (z) Failing to report information to the board regarding a possible act of unprofessional conduct committed by another psychologist licensed pursuant to this chapter unless this reporting violates the psychologist's confidential relationship with the client pursuant to section 32-2085. Any psychologist who reports or provides information to the board in good faith is not subject to an action for civil damages.
  - (aa) Violating a formal board order, consent agreement, term of probation or stipulated agreement issued under this chapter.
  - (bb) Failing to furnish information in a timely manner to the board or its investigators or representatives if requested or subpoenaed by the board as prescribed by this chapter.
  - (cc) Failing to make available to a client or to the client's designated representative, on written request, a copy of the client's record, including raw test data, psychometric testing materials and other information as provided by law.
  - (dd) Violating an ethical standard adopted by the board.
- B. A complaint against a **JUDICIALLY APPOINTED** psychologist arising out of a **COURT** ordered evaluation **OR TREATMENT** of a person shall not be deemed by the board to present a charge of unprofessional conduct unless the court ordering the evaluation **OR TREATMENT** has found a substantial basis to refer the complaint for consideration by the board.

**32-2062. Board; qualifications; appointments; terms; compensation; immunity**

- A. The state board of psychologist examiners is established consisting of nine members appointed by the governor pursuant to section 38-211.
- B. Each member of the board shall be a citizen of the United States and a resident of this state at the time of appointment. Six members shall be licensed pursuant to this chapter, and three shall be public members who are not eligible for licensure. The board shall have at all times, except for the period when a vacancy exists, at least two members who are licensed as psychologists and who are full-time faculty members from universities in this state with a doctoral program in psychology that meets the requirements of section 32-2071 and at least three members who are psychologists in professional practice. The public members shall not have a substantial financial interest in the health care industry and shall not have a household member who is eligible for licensure under this chapter.
- C. Each member shall serve for a term of five years beginning and ending on the third Monday in January.
- D. A vacancy on the board occurring other than by the expiration of term shall be filled by appointment by the governor for the unexpired term as provided in subsection C

of this section. The governor, after a hearing, may remove any member of the board for misconduct, incompetency or neglect of duty.

- E. Board members shall receive compensation in the amount of one hundred dollars for each cumulative eight hours of actual service in the business of the board and reimbursement of all expenses pursuant to title 38, chapter 4, article 2.
- F. Members of the board and its employees, consultants and test examiners are personally immune from suit with respect to all acts done and actions taken in good faith and in furtherance of the purposes of this chapter.

### **32-2063. Powers and duties**

#### **A. The board shall:**

1. Administer and enforce this chapter and board rules.
2. Regulate disciplinary actions, the granting, denial, revocation, renewal and suspension of licenses and the rehabilitation of licensees pursuant to this chapter and board rules.
3. Prescribe the forms, content and manner of application for licensure and renewal of licensure and set deadlines for the receipt of materials required by the board.
4. Keep a record of all licensees, board actions taken on all applicants and licensees and the receipt and disbursement of monies.
5. Adopt an official seal for attestation of licenses and other official papers and documents.
6. Investigate charges of violations of this chapter and board rules and orders.
7. Employ an executive director who serves at the pleasure of the board.
8. Annually elect from among its membership a Chair, a Vice-Chair and a Secretary, who serve at the pleasure of the board.
9. Adopt rules pursuant to title 41, chapter 6 to carry out this chapter and to define unprofessional conduct.
10. Engage in a full exchange of information with other regulatory boards and psychological associations, national psychology organizations and the Arizona psychological association and its components.
11. By rule, adopt a code of ethics relating to the practice of psychology. The board shall base this code on the code of ethics adopted and published by the American psychological association. The board shall apply the code to all board enforcement policies and disciplinary case evaluations and development of licensing examinations.

- #### **B. The board may employ permanent or temporary personnel it deems necessary to carry out this chapter. The board, in investigating violations of this chapter, may employ investigators who may be psychologists. The board or its executive director**

may take and hear evidence, administer oaths and affirmations and compel by subpoena the attendance of witnesses and the production of books, papers, records, documents and other information relating to the investigation or hearing.

C. Compensation for all personnel shall be determined pursuant to section 38-611.

**D. SUBJECT TO THE LIMITATIONS OF SECTION 41-2544, THE EXECUTIVE DIRECTOR MAY ENTER INTO AGREEMENTS TO ALLOW LICENSEES TO PAY FEES BY ALTERNATIVE METHODS, INCLUDING CREDIT CARDS, CHARGE CARDS, DEBITS CARDS, AND ELECTRONIC FUNDS TRANSFERS.**

**32-2064. Meetings; committees; quorum**

- A. The board shall hold regular quarterly meetings at a time and place determined by the Chair. The board shall hold special meetings the Chair determines necessary to carry out the functions of the board.
- B. The Chair may establish committees from the board membership necessary to carry out the functions of the board. The board may establish committees of licensed psychologists to act as consultants to the board. Members of consultant committees are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.
- C. A majority of board members constitutes a quorum and a majority vote of a quorum present is necessary for the board to take any action.

**32-2065. Board of psychologist examiners fund**

- A. The board of psychologist examiners fund is established.
- B. The board shall transmit all monies collected pursuant to this chapter to the state treasurer who shall transfer ninety per cent of the monies to the board for deposit in the board of psychologist examiners fund and deposit the remaining ten per cent in the state general fund.
- C. All monies deposited in the board of psychologist examiners fund shall be subject to the provisions of section 35-143.01.

**32-2066. Directory; change of address; costs; civil penalty**

- A. The board shall compile and publish on its web site a directory containing:
  - 1. The names and addresses of the officers and members of the board.
  - 2. The names and addresses of all licensees.
  - 3. The current board rules.
  - 4. A copy of this chapter.
  - 5. Additional information the board deems of interest and importance to licensees.
- B. A licensee shall inform the board in writing of the licensee's current residence address, office address and telephone number within thirty days of each change in



this information. The board may assess the costs incurred by the board in locating a licensee and may assess a civil penalty of not more than one hundred dollars against a licensee who fails to notify the board within thirty days from the date of any change of information required to be reported under this subsection.

### **32-2067. Fees**

- A. The board, by a formal vote at its annual fall meeting, MAY establish fees and penalties that do not exceed:
1. **SIX** hundred dollars for an application for an active license to practice psychology.
  2. Two hundred dollars for an application for a temporary license to practice psychology.
  3. Two hundred fifty dollars for reapplication for an active license.
  4. **SIX** hundred dollars for issuing an initial license. The board shall prorate this fee pursuant to subsection D of this section.
  5. Fifty dollars for a duplicate license.
  6. **SIX** hundred dollars for biennial renewal of an active license.
  7. **ONE HUNDRED** dollars for biennial renewal of an inactive license.
  8. Three hundred dollars for the reinstatement of an active or inactive license.
  9. Three hundred fifty dollars for any additional examination.
  10. **THREE** hundred fifty dollars for delinquent compliance with continuing education requirements.
  11. Five dollars for the sale of a duplicate renewal receipt.
  12. Five dollars for the sale of a copy of the board's statutes and rules.
  13. **TEN** dollars for verification of a license.
  14. Ten dollars for the sale of each audiotape of board meetings.
  15. Five cents per name for the sale of computerized discs that contain the name of each licensee.
  16. Twenty-five cents per name for the sale of computerized discs that contain the name and address of each licensee.
  17. Thirty-five cents per name for the sale of customized computerized discs that contain additional licensee information that is not required by law to remain confidential.
  18. Twenty-five cents per page for copying records, documents, letters, minutes, applications, files and policy statements. This fee includes postage.

- B. The board may charge additional fees for services the board deems necessary and appropriate to carry out this chapter. These fees shall not exceed the actual cost of providing the service.
- C. The board shall not refund fees except as provided in section 32-2073, subsection E. On special request and for good cause the board may return the license renewal fee.
- D. The board shall prorate the fee for issuing an initial license by dividing the biennial renewal fee by twenty-four and multiplying that amount by the number of months that remain until the next biennial renewal date.

## **ARTICLE 2. LICENSURE**

### **32-2071. Qualifications of applicant; education; training**

- A. An applicant for licensure shall have a doctoral degree from an institution of higher education in clinical or counseling psychology, school or educational psychology or any other subject area in applied psychology acceptable to the board and shall have completed a doctoral program in psychology from an educational institution that has:
  - 1. Been accredited by one of the following regional accrediting agencies at the time of the applicant's graduation:
    - (a) The New England association of schools and colleges.
    - (b) The middle states association of colleges and schools.
    - (c) The north central association of colleges and schools.
    - (d) The northwest association of schools and colleges.
    - (e) The southern association of colleges and schools.
    - (f) The western association of schools and colleges.
  - 2. A program that is identified and labeled as a psychology program and that stands as a recognized, coherent organizational entity within the institution with clearly identified entry and exit criteria for graduate students in the program.
  - 3. An identifiable psychology faculty in the area of health service delivery and a psychologist responsible for the program.
  - 4. A core program that requires each student to demonstrate competence by passing suitable comprehensive examinations or by successfully completing at least three or more graduate semester hours, or FIVE OR MORE quarter hours, or SIX OR MORE TRIMESTER HOURS, OR by other suitable means in the following content areas:
    - (a) Scientific and professional ethics and standards in psychology.
    - (b) Research, which may include design, methodology, statistics and psychometrics.

- (c) The biological basis of behavior, which may include physiological psychology, comparative psychology, neuropsychology, sensation and perception and psychopharmacology.
  - (d) The cognitive-affective basis of behavior, which may include learning, thinking, motivation and emotion.
  - (e) The social basis of behavior, which may include social psychology, group processes, **CULTURAL DIVERSITY**, and organizational and systems theory.
  - (f) Individual differences, which may include personality theory, human development and abnormal psychology.
  - (g) Assessment, which includes instruction in interviewing and the administration, scoring and interpretation of psychological test batteries for the diagnosis of cognitive abilities and personality functioning.
  - (h) Treatment modalities, which include instruction in the theory and application of a diverse range of psychological interventions for the treatment of mental, emotional, psychological and behavioral disorders.
5. A psychology program that leads to a doctoral degree requiring at least the equivalent of three full-time academic years of graduate study, two years of which are at the institution from which the doctoral degree is granted.
  6. A requirement that the student must successfully defend a dissertation, the content of which is primarily psychological, or an equivalent project acceptable to the board.
  7. Official transcripts that have been prepared solely by the institution and not by the student and, except for manifest clerical errors or grade changes, have not been altered by the institution after the student's graduation.
  8. Given the student credit only for course work listed on its official transcripts and that is obtained only at regionally accredited educational institutions as listed in paragraph 1 of this subsection and does not give credit for continuing education experiences or courses.
- B. If the institution is located outside the United States, the applicant shall demonstrate that the program meets the requirements of subsection (A), paragraphs 2 through 7 and subsections (C) through (K).
  - C. The applicant shall complete relevant didactic courses of the program required under subsection (A), paragraph 4 before starting the **SUPERVISED PROFESSIONAL EXPERIENCES** as described under subsection (F).
  - D. **EACH APPLICANT FOR LICENSURE SHALL OBTAIN 3000 HOURS OF SUPERVISED PROFESSIONAL WORK EXPERIENCES. THE APPLICANT SHALL DEMONSTRATE CLEARLY HOW THE REQUIREMENTS ARE SATISFIED. A MINIMUM OF 1500 HOURS SHALL BE SATISFIED THROUGH AN INTERNSHIP AS DESCRIBED IN SUBSECTION F. THE REMAINING 1500 HOURS SHALL BE OBTAINED THROUGH SUPERVISED PRE-INTERNSHIP PROFESSIONAL EXPERIENCES AS DESCRIBED IN SUBSECTION E, ADDITIONAL INTERNSHIP**

HOURS AS DESCRIBED IN SUBSECTION F, SUPERVISED POSTDOCTORAL EXPERIENCES AS DESCRIBED IN SUBSECTION G, OR ANY COMBINATION OF THESE THREE.

E. IF THE APPLICANT CHOOSES TO INCLUDE UP TO 1500 HOURS OF SUPERVISED PRE-INTERNSHIP PROFESSIONAL EXPERIENCE TO SATISFY A PORTION OF THE 3000 HOURS SUPERVISED PROFESSIONAL EXPERIENCE, IT SHALL MEET THE FOLLOWING REQUIREMENTS:

1. SUPERVISED PRE-INTERNSHIP PROFESSIONAL EXPERIENCES SHALL REFLECT A FACULTY DIRECTED, ORGANIZED, SEQUENTIAL SERIES OF SUPERVISED EXPERIENCES OF INCREASING COMPLEXITY, SERVING TO PREPARE THE APPLICANT FOR AN INTERNSHIP.
2. THERE SHALL BE A WRITTEN TRAINING PLAN BETWEEN THE STUDENT, AND THE GRADUATE TRAINING PROGRAM. THE TRAINING PLAN FOR EACH SUPERVISED PRE-INTERNSHIP PROFESSIONAL EXPERIENCE TRAINING SITE SHALL DESIGNATE AN ALLOTMENT OF TIME FOR EACH TRAINING ACTIVITY AND SHALL ASSURE THE QUALITY, BREADTH, AND DEPTH OF TRAINING EXPERIENCE THROUGH THE SPECIFICATION OF GOALS AND OBJECTIVES OF THE SUPERVISED PRE-INTERNSHIP PROFESSIONAL EXPERIENCE, THE METHODS OF EVALUATION OF THE STUDENT, AND SUPERVISORY EXPERIENCES. IF SUPERVISION IS TO BE COMPLETED BY QUALIFIED SITE SUPERVISORS AT EXTERNAL SITES, THEIR APPROVAL MUST BE INCLUDED IN THE PLAN.
3. MORE THAN ONE PART-TIME SUPERVISED PRE-INTERNSHIP PROFESSIONAL EXPERIENCE PLACEMENTS OF APPROPRIATE SCOPE AND COMPLEXITY OVER THE COURSE OF THE GRADUATE TRAINING CAN BE COMBINED TO SATISFY THE 1500 HOUR SUPERVISED PRE-INTERNSHIP PROFESSIONAL EXPERIENCES.
4. EVERY 20 HOURS OF SUPERVISED PRE-INTERNSHIP PROFESSIONAL EXPERIENCE SHALL INCLUDE THE FOLLOWING:
  - a. AT LEAST 50% OF THE SUPERVISED PRE-INTERNSHIP PROFESSIONAL EXPERIENCE SHALL BE IN PSYCHOLOGICAL SERVICE-RELATED ACTIVITIES. PSYCHOLOGICAL SERVICE-RELATED ACTIVITIES MAY INCLUDE, BUT ARE NOT LIMITED TO, TREATMENT, ASSESMENT, INTERVIEWS, REPORT-WRITING, CASE PRESENTATIONS, SEMINARS ON APPLIED ISSUES, PROVIDING CO-THERAPY, GROUP SUPERVISION, OR CONSULTATIONS.
  - b. AT LEAST 25% OF THE SUPERVISED PRE-INTERNSHIP PROFESSIONAL EXPERIENCES SHALL BE DEVOTED TO FACE-TO-FACE PATIENT/CLIENT CONTACT.
  - c. AT LEAST 1 HOUR PER WEEK OF REGULARLY SCHEDULED CONTEMPORANEOUS FACE-TO-FACE INDIVIDUAL SUPERVISION PER 10 HOURS SUPERVISED PRE-INTERNSHIP PROFESSIONAL

EXPERIENCE, THAT ADDRESSES THE DIRECT PSYCHOLOGICAL SERVICES PROVIDED BY THE STUDENT:

- i. AT LEAST 75% OF THE SUPERVISION SHALL BE BY A PSYCHOLOGIST WHOM IS LICENSED OR CERTIFIED TO PRACTICE PSYCHOLOGY AT THE INDEPENDENT LEVEL BY A LICENSING JURISDICTION OF THE UNITED STATES OR CANADA AND WHOM IS DESIGNATED BY THE ACADEMIC PROGRAM.
  - ii. NO MORE THAN 25% OF THE SUPERVISION SHALL BE BY A LICENSED MENTAL HEALTH PROFESSIONAL WHOM IS LICENSED OR CERTIFIED BY A LICENSING JURISDICTION OF THE UNITED STATES OR CANADA.
5. THE APPLICANT SHALL PROVIDE TO THE BOARD THE WRITTEN TRAINING PLAN DEVELOPED DURING THE APPLICANT'S PROGRAM, WHICH SHALL INCLUDE DOCUMENTATION OF THE TOTAL HOURS ACCRUED BY THE APPLICANT DURING THE SUPERVISED PRE-INTERSHIP PROFESSIONAL EXPERIENCE, INCLUDING THE NUMBER OF FACE-TO-FACE PATIENT/CLIENT CONTACT HOURS, AND THE AMOUNT OF SUPERVISION AND QUALIFICATIONS OF THE SUPERVISORS FOR THE ENTIRE SUPERVISED PRE-INTERSHIP PROFESSIONAL EXPERIENCES. DOCUMENTATION SHALL INCLUDE ACKNOWLEDGEMENT THAT ETHICS TRAINING WAS INCLUDED THROUGHOUT THE SUPERVISED PRE-INTERSHIP PROFESSIONAL EXPERIENCE.
6. THESE SUPERVISED PROFESSIONAL PRE-INTERSHIP EXPERIENCES SHALL BE COMPLETED WITHIN 48 MONTHS.
- F. THE APPLICANT SHALL HAVE 1500 HOURS of supervised professional experience, which shall be either an internship that is approved by the American Psychological Association Committee on Accreditation, an internship that is a member of the Association of Psychology Postdoctoral and Internship Centers, or an organized training program that is designed to provide the trainee with a planned, programmed sequence of training experience, the focus and purpose of which are to assure quality, breadth, and depth of training, and that meets the following requirements:
  1. The training program has a clearly designated staff psychologist who is responsible for the integrity and quality of the training and who is licensed or certified to practice psychology at the independent level by any licensing jurisdiction of the United States or Canada in which the program exists.
  2. The training program provides at least two psychologists as supervisors, at least one of whom is licensed or certified TO PRACTICE PSYCHOLOGY AT THE INDEPENDENT LEVEL BY A LICENSING JURISDICTION OF THE UNITED STATES OR CANADA in which the program exists and at least one of whom is available to the trainee in case of emergency.

3. Supervision is provided by the person who carries clinical responsibility for the cases being supervised. At least half of the training supervision shall be provided by one or more psychologists.
  4. Training includes a range of assessment, consultation and treatment activities conducted directly with clients.
  5. A minimum of 25% of a trainee's **SUPERVISED PROFESSIONAL EXPERIENCE HOURS ARE** in direct client/**PATIENT** contact.
  - 6.—Training includes regular face-to-face, individual supervision conducted on a contemporaneous basis, with a minimum of 1 hour of face-to-face, individual supervision for each 20 hours of experience and with the specific intent of dealing with psychological services rendered directly by the trainee and at least two additional hours per week in other learning activities. **NO MORE THAN 20% OF THE FACE-TO-FACE SUPERVISION MAY BE COMPLETED USING CONFIDENTIAL REAL TIME VISUAL TELECOMMUNICATION OR OTHER CONFIDENTIAL ELECTRONIC MEANS.**
  - 7 The training program includes interaction with other psychology trainees.
  - 8 Trainees have a title that designates their trainee status.
  - 9 The **APPLICANT SHALL PROVIDE FROM THE TRAINING ORGANIZATION** a written statement that describes the goals and content of the training **PROGRAM** and **DOCUMENTS THAT** clear expectations **EXISTED** for the **BREADTH, DEPTH, AND** quality and quantity of a trainee's work **AT THE TIME OF THE SUPERVISED PROFESSIONAL EXPERIENCE.**
  10. **THIS SUPERVISED PROFESSIONAL EXPERIENCE** shall be completed within 24 consecutive months.
- G.—**NO MORE THAN** 1500 hours of **SUPERVISED PROFESSIONAL EXPERIENCE** **MAY** be postdoctoral and may start on written certification by the applicant's education program that the applicant has satisfied all requirements for the doctoral degree and on written certification that the applicant has completed an appropriate **SUPERVISED PROFESSIONAL EXPERIENCE** as required in subsection F. **THIS 1500 HOURS OF SUPERVISED PROFESSIONAL EXPERIENCE** shall meet the following requirements:
1. Supervision is conducted by a psychologist who is licensed or certified to practice psychology at the independent level in any licensing jurisdiction of the United States or Canada in which the supervision occurs or by a psychologist who is on full-time active duty in the United States armed services and who is licensed or certified by a board of psychologist examiners in a United States jurisdiction, who has been licensed or certified for at least two years and who is competent in the areas of **PROFESSIONAL PRACTICE IN WHICH THE SUPERVISEE IS RECEIVING SUPERVISED PROFESSIONAL EXPERIENCE.**
  2. The supervisor takes full responsibility for the welfare of the client as well as the diagnosis, intervention and outcome of the intervention and takes reasonable

steps to ensure that clients are informed of the supervisee's training and status and that clients may meet with the supervisor at the client's request.

3. The supervisor **OR APPROPRIATE CUSTODIAN OF RECORDS** is responsible for ensuring that adequate records of client contacts are maintained and that the client is informed that the source of access to this information in the future is the supervisor.
  4. The supervisor is available for consultation in the event of an emergency and provides emergency consultation coverage for the supervisee.
  5. Regular face-to-face, individual supervision is conducted on a contemporaneous basis, with a minimum of 1 hour of face-to-face, individual supervision for each **20 HOURS of SUPERVISED PROFESSIONAL EXPERIENCE**. At least 600 hours of the supervisee's time shall be in direct contact with clients. **NO MORE THAN 20% OF THE FACE-TO-FACE SUPERVISION MAY BE COMPLETED USING CONFIDENTIAL REAL TIME VISUAL TELECOMMUNICATION TECHNOLOGY OR OTHER CONFIDENTIAL ELECTRONIC MEANS.**
  6. The **SUPERVISED PROFESSIONAL EXPERIENCE AS DESCRIBED IN SUBSECTION (G) SHALL BE COMPLETED** within 36 consecutive months.
- H. In meeting the **SUPERVISED PRE-INTERNSHIP PROFESSIONAL EXPERIENCE AS DESCRIBED IN SUBSECTION (E) AND THE SUPERVISED PROFESSIONAL EXPERIENCE AS DESCRIBED IN SUBSECTIONS (F) AND (G)**, an applicant shall not receive credit for more than 40 hours of experience per week.
- I. An applicant who does not satisfy the **SUPERVISED PROFESSIONAL EXPERIENCE** requirements of subsection (F) may qualify on demonstration of 20 years' licensed or certified practice as a psychologist in a jurisdiction of the United States or Canada.
- H. An applicant who does not satisfy the **SUPERVISED PRE-INTERNSHIP PROFESSIONAL EXPERIENCE** requirements of subsection (E) **OR THE SUPERVISED PROFESSIONAL EXPERIENCE REQUIREMENTS OF SUBSECTION (G), OR A COMBINATION OF (E) AND (G)**, may qualify on demonstration of 10 years' licensed or certified practice as a psychologist in a jurisdiction of the United States or Canada.
- K. The applicant shall complete a residency at the institution that awarded the applicant's doctoral degree. The residency shall require the following:
1. The student's active participation and involvement in learning.
  2. Direct regular contact with faculty and other matriculated doctoral students.
  3. 18 semester hours, **OR 30 QUARTER HOURS, OR 36 TRIMESTER HOURS COMPLETED WITHIN A 12 MONTH CONSECUTIVE PERIOD** at the institution or a minimum of 300 hours of student-faculty contact that involves face-to-face educational meetings conducted by the institution's psychology faculty and fully documented by the institution and the student. These meetings shall include interaction between the student and faculty and the student and other students and shall relate to the program content areas specified in subsection (A),



paragraph 4. These meetings shall be in addition to the **SUPERVISED PRE-INTERNSHIP PROFESSIONAL EXPERIENCE**, clerkship or externship supervision hours or dissertation hours. **AS REQUESTED BY THE** board, the **APPLICANT** shall **OBTAIN** documentation **FROM THE INSTITUTION** showing how the applicant's performance was assessed and documented.

- L. To determine if an applicant satisfies the requirements of subsection A relating to subject areas in applied psychology, the board may require the applicant to complete a respecialization program in a program or professional school of psychology that has either an established American Psychological Association accredited doctoral program in clinical or counseling psychology or school or educational psychology or an established doctoral program that meets board rules. The applicant SHALL also:
  - 1. Meet all of the requirements of the new respecialization area. The board shall give the applicant credit for course work that the applicant has previously successfully completed and that meets the requirements of subsection (A), paragraph 4.
  - 2. Complete one thousand five hundred hours of **SUPERVISED PROFESSIONAL EXPERIENCE** as prescribed in subsection (F).
  - 3. Present a certificate or letter from the department head, training director or dean that verifies that the applicant completed the program and that identifies the specialty area of applied psychology the applicant completed.
- M. For the purposes of subsection (A), paragraph 4, "other suitable means" means that an applicant demonstrates competence by being a diplomate of the American Board of Professional Psychology or, if an applicant fails to demonstrate completion of course work in two content areas prescribed in subsection (A), paragraph 4, the applicant has fulfilled the two deficient requirements by successfully passing a GRADUATE course in each deficient content area as a nonmatriculated student in a doctoral level psychology program at a university that is accredited pursuant to subsection A, paragraph 1.

### **32-2071.01. Requirements for licensure; remediation; credentials**

- A. An applicant for licensure shall demonstrate to the board's satisfaction that the applicant:
  - 1. Has met the education and training qualifications for licensure prescribed in section 32-2071 or subsection B of this section.
  - 2. Has passed any examination or examinations required by section 32-2072.
  - 3. Has a professional record that indicates that the applicant has not committed any act or engaged in any conduct that constitutes grounds for disciplinary action against a licensee pursuant to this chapter.



4. Has not had a license or a certificate to practice psychology refused, revoked, suspended or restricted by a state, territory, district or country for reasons that relate to unprofessional conduct.
  5. Has not voluntarily surrendered a license in another regulatory jurisdiction in the United States or Canada while under investigation for conduct that relates to unprofessional conduct.
  6. Does not have a complaint, allegation or investigation pending before another regulatory jurisdiction in the United States or Canada that relates to unprofessional conduct.
- B. IF THE BOARD FINDS THAT AN APPLICANT COMMITTED AN ACT OR ENGAGED IN CONDUCT THAT WOULD CONSTITUTE GROUNDS FOR DISCIPLINARY ACTION IN THIS STATE, OR IF THE BOARD OR ANY JURISDICTION HAS TAKEN DISCIPLINARY ACTION AGAINST AN APPLICANT, THE BOARD MAY ISSUE A LICENSE IF THE BOARD FIRST DETERMINES TO ITS SATISFACTION THAT THE ACT OR CONDUCT HAS BEEN CORRECTED, MONITORED OR RESOLVED. IF THE ACT OR CONDUCT HAS NOT BEEN RESOLVED, BEFORE ISSUING A LICENSE, THE BOARD MUST DETERMINE TO ITS SATISFACTION THAT MITIGATING CIRCUMSTANCES EXIST THAT PREVENT ITS RESOLUTION.
- C. AN APPLICANT FOR LICENSURE MEETS THE REQUIREMENTS OF A.R.S. §32-2071 SUBSECTIONS (1-6) AND (8), IF THE APPLICANT EARNED A DOCTORAL DEGREE FROM A PROGRAM THAT WAS ACCREDITED BY THE AMERICAN PSYCHOLOGICAL ASSOCIATION, OFFICE OF PROGRAM CONSULTATION AND ACREDITATION AT THE TIME OF GRADUATION.
- D. An applicant for licensure who is licensed to practice psychology at the independent level in another licensing jurisdiction of the United States or Canada meets the requirements of subsection A, paragraph 1 of this section if the applicant meets any of the following requirements:
1. Holds a certificate of professional qualification in psychology in good standing issued by the association of state and provincial psychology boards or its successor.
  2. Is currently credentialed by the national register of health service providers in psychology or its successor and submits evidence of having practiced psychology independently at the doctoral level for a minimum of five years.
  3. Is a diplomate of the American board of professional psychology.

### **32-2072. Examinations; exemptions**

- A. An applicant for licensure must pass the examination for professional practice in psychology, which is the national examination established by the association of state and provincial psychology boards. An applicant is considered to have passed the national examination if the applicant's score equals or exceeds either:
  - 1. Seventy per cent on the written examination.
  - 2. A scaled score of five hundred on the computer-based examination.
- B. The board may implement an additional examination for all applicants to cover areas of professional ethics and practice consistent with the applicant's education and experience, state law relating to the practice of psychology or other areas the board determines are suitable.
- C. An applicant may not take an examination administered for or by the board until the applicant completes the education requirements of this article. The board may approve an applicant who has obtained a doctoral degree in psychology as required under section 32-2071 to take the national examination before completing the experience requirements of this article. Except as provided in subsection D of this section, an applicant may not take an additional board examination until the applicant passes the national examination. An applicant who fails the national examination administered for or by any jurisdiction three times is not eligible to take that examination again until the applicant meets additional requirements prescribed by the board.
- D. An applicant is exempt from taking the national examination administered pursuant to this section if the applicant either:
  - 1. Is a diplomate of the American board of professional psychology.
  - 2. Holds a certificate of professional qualification in psychology in good standing issued by the association of state and provincial psychology boards or its successor.

### **32-2073. Temporary licenses; inactive status; reinstatement to active status**

- A. If the board requires an additional examination it may issue a temporary license to a psychologist licensed or certified under the laws of another jurisdiction, if the psychologist applies to the board for licensure and meets the educational, experience and first examination requirements of this article.
- B. A temporary license issued pursuant to this section is effective from the date that the application is approved until the last day of the month in which the applicant receives the results of the additional examination as provided in section 32-2072.
- C. A temporary license shall not be extended, renewed, reissued or allowed to continue in effect beyond the period authorized by this section.
- D. Denial of an application for licensure terminates a temporary license.
- E. The board may place on inactive status and waive the license renewal fee requirements for a person who is temporarily or permanently unable to practice as a

psychologist due to physical or mental incapacity or disability. An initial request for the waiver of renewal fees shall be accompanied by the renewal fee for an active license, which the board shall return if the waiver is granted. The board shall judge each request for the waiver of renewal fees on its own merits and may seek the verification it deems necessary to substantiate the facts of the situation. A psychologist who is retired is exempt from paying the renewal fee. A psychologist may request voluntary inactive status by submitting to the board an application on a form prescribed by the board and an affirmation that the psychologist shall not practice as a psychologist in this state for the duration of the voluntary inactive status and paying the required fee.

- F. A psychologist who is on any form of inactive status shall renew the inactive status every two years by submitting a renewal form provided by the board and paying any applicable fee. A notice to renew is fully effective by mailing the renewal application to the licensee's last known address of record in the board's file. Notice is complete at the time of its deposit in the mail. A psychologist on inactive status due to physical or mental incapacity or disability or retirement shall use the term inactive to describe the person's status and shall not practice as a psychologist.
- G. A psychologist on inactive status may request reinstatement of the license to active status by applying to the board. The board shall determine whether the person has been or is in violation of any provisions of this chapter and whether the person has maintained and updated the person's professional knowledge and capability to practice as a psychologist. The board may require the person to take or retake the licensure examinations and may require other knowledge or skill training experiences. If approved for active status, the person shall pay a renewal fee that equals the renewal fee for the license to be reinstated.

**32-2074.      Active      license;      issuance;      renewal;      expiration;**  
**CANCELLATION; continuing education**

- A. If the applicant satisfies all of the requirements for licensure pursuant to this chapter, the board shall issue an active license and shall prorate the fee for issuing that license for the period remaining until May 1 of the next odd-numbered year.
- B. A person holding an active or an inactive license shall apply to renew the license before May 1 of each odd-numbered year. The application shall include any applicable renewal fee. A license expires if the licensee fails to renew the license before May 1 of that year. A licensee may reinstate an expired license by paying a reinstatement fee before July 1 of that year. From July 1 of that year until May 1 of the next year, a licensee may reinstate the license by paying a reinstatement fee and providing proof of competency and qualifications to the board. This proof may include continuing education, an oral examination, a written examination or an interview with the board. A licensee whose license is not reinstated by May 1 of the next even-numbered year may reapply for licensure as prescribed by this chapter. A notice to renew is fully effective by mailing the renewal application to the licensee's last known address of record in the board's file. Notice is complete at the time of deposit in the mail.

- C. A person renewing a license shall attach to the completed renewal form a report of disciplinary actions or restrictions placed against the license by another state licensing or disciplinary board or disciplinary actions or sanctions imposed by a state or national psychology ethics committee or health care institution. The report shall include the name and address of the sanctioning agency or health care institution, the nature of the action taken and a general statement of the charges leading to the action.
- D. A person who renews an active license to practice psychology in this state shall satisfy a continuing education requirement designed to provide the necessary understanding of current developments, skills, procedures or treatment related to the practice of psychology in the amount and during the period the board prescribes. The board shall prescribe documentation requirements.

**E. CANCELLATION OF ACTIVE LICENSE**

ON REQUEST OF AN ACTIVE LICENSEE, THE BOARD MAY CANCEL THAT PERSON'S LICENSE IF BOTH OF THE FOLLOWING ARE TRUE

1. THE LICENSEE IS NOT PRESENTLY UNDER INVESTIGATION BY THE BOARD; AND
2. THE BOARD HAS NOT COMMENCED ANY DISCIPLINARY PROCEEDING AGAINST THE LICENSEE.

**32-2075. Exemptions from licensure**

- A. This chapter does not limit the activities, services and use of a title by the following:
  1. A school psychologist employed in a common school, high school or charter school setting and certified to use that title by the department of education if the services or activities are a part of the duties of that person's common school, high school or charter school employment.
  2. An employee of a government agency in a subdoctorate position who uses the word "assistant" or "associate" after the title and is supervised by a doctorate position employee who is licensed as a psychologist, including a temporary licensee.
  3. A student of psychology pursuing an official course of graduate study at an educational institution accredited as provided in section 32-2071, if after the title the word "trainee", "intern" or "extern" appears and the student uses the title only in conjunction with activities and services that are a part of the supervised program.
  4. A person who resides outside of this state and who is currently licensed or certified **TO PRACTICE PSYCHOLOGY AT THE INDEPENDENT LEVEL BY A LICENSING JURISDICTION OF THE UNITED STATES OR CANADA** if the

activities and services conducted in this state are within the psychologist's customary area of practice, do not exceed twenty days per year and are not otherwise in violation of this chapter and the client, public or consumer is informed of the limited nature of these activities and services and that the psychologist is not licensed in this state. **TO ASSIST IN PUBLIC SERVICE, A PERSON REFERENCED IN THIS SECTION MAY EXCEED 20 DAYS OF PRACTICE IN CASE OF A DISASTER ACKNOWLEDGED AS IN EFFECT BY THE BOARD.**

5. A person in the employ of Arizona State University, Northern Arizona University, the University of Arizona, or other institutional services if the services are a part of the faculty duties of that person's salaried position, the person has received a doctoral degree as provided in section 32-2071 and the person is participating in a postdoctoral program pursuant to section 32-2071, subsection E.
  6. A supervisee who is pursuing a **SUPERVISED PROFESSIONAL EXPERIENCE** pursuant to section 32-2071, subsection (G) if the services or activities are provided under the direct supervision of a psychologist **LICENSED OR CERTIFIED FOR AT LEAST 2 YEARS AND WHO IS COMPETENT IN THE AREAS OF PROFESSIONAL PRACTICE IN WHICH THE SUPERVISEE IS RECEIVING SUPERVISED PROFESSIONAL EXPERIENCE**, clients are informed of the training nature of the services provided and the supervisee has a title that designates that person's training status.
- B. This chapter does not limit the use of the title "psychologist" by a person who possesses a doctoral degree from an educational institution as provided in section 32-2071 if that person is not engaged in the practice of psychology.
- C. This chapter does not prevent a member of other recognized professions that are licensed, certified or regulated under the laws of this state from rendering services within that person's scope of practice and code of ethics if that person does not claim to be a psychologist.

### **32-2076. Unauthorized practice of medicine**

This chapter does not authorize a person to engage in any manner in the practice of medicine pursuant to chapter 13, 17 or 29 of this title, except that a person licensed as provided in this chapter may diagnose, treat and correct human conditions ordinarily within the scope of the practice of a psychologist.

## **ARTICLE 3. REGULATION**

### **32-2081. Grounds for disciplinary action; duty to report; immunity; proceedings; board action; notice requirements; civil penalty**

- A. The board, on its own motion, may investigate evidence that appears to show that a psychologist is psychologically incompetent, guilty of unprofessional conduct or mentally or physically unable to safely engage in the practice of psychology. A

health care institution shall, and any other person may, report to the board information that appears to show that a psychologist is psychologically incompetent, guilty of unprofessional conduct or mentally or physically unable to safely engage in the practice of psychology. The board shall notify the psychologist about whom information has been received as to the content of the information within one hundred twenty days of receiving the information. A person who reports or provides information to the board in good faith is not subject to an action for civil damages. The board, if requested, shall not disclose the name of the person providing information unless this information is essential to proceedings conducted pursuant to this section. The board shall report a health care institution that fails to report as required by this section to the institution's licensing agency.

- B. A health care institution shall inform the board when the privileges of a psychologist to practice in that institution are denied, revoked, suspended or limited because of actions by the psychologist that appear to show that that person is psychologically incompetent, guilty of unprofessional conduct or mentally or physically unable to safely engage in the practice of psychology, along with a general statement of the reasons that led the health care institution to take this action. A health care institution shall inform the board if a psychologist under investigation resigns the psychologist's privileges or if a psychologist resigns in lieu of disciplinary action by the health care institution. Notification shall include a general statement of the reasons for the resignation.
- C. The board may require the licensee to undergo any combination of mental, physical or psychological competence examinations at the licensee's expense and shall conduct investigations necessary to determine the competence and conduct of the licensee.
- D. The Chair of the board shall appoint a complaint screening committee of not less than three members of the board including a public member. The complaint screening committee is subject to open meeting requirements pursuant to title 38, chapter 3, article 3.1. The complaint screening committee shall review all complaints, and based on the information provided pursuant to subsection A or B of this section may take either of the following actions:
  - 1. Dismiss the complaint if the committee determines that there IS NO EVIDENCE OF VIOLATIONS OF STATUTES, RULES ,OR COMMUNITY STANDARDS OF PRACTICE. Complaints dismissed by the complaint screening committee shall not be disclosed in response to a telephone inquiry or placed on the board's web site.
  - 2. Refer the complaint to the full board for further review and action.
- E. If the board finds, based on the information it receives under subsection A or B of this section, that the public health, safety or welfare requires emergency action, the board may order a summary suspension of a license pending proceedings for revocation or other action. If the board issues this order, it shall serve the licensee with a written notice of complaint and formal hearing pursuant to title 41, chapter 6, article 10, setting forth the charges made against the licensee and the licensee's

right to a formal hearing before the board or an administrative law judge within sixty days.

- F. If the board finds that the information provided pursuant to subsection A or B of this section is not of sufficient seriousness to merit direct action against the licensee, it may take either of the following actions:
  - 1. Dismiss if the board believes there **IS NO EVIDENCE OF VIOLATION OF STATUTES, RULES ,OR COMMUNITY STANDARDS OF PRACTICE**.
  - 2. File a letter of concern.
  - 3. Issue a nondisciplinary order requiring the licensee to complete a prescribed number of hours of continuing education in an area or areas prescribed by the board to provide the licensee with the necessary understanding of current developments, skills, procedures or treatment.
- G. If the board believes the information provided pursuant to subsection A or B of this section is or may be true, it may request an informal interview with the psychologist. If the licensee refuses to be interviewed or if pursuant to an interview the board determines that cause may exist to revoke or suspend the license, it shall issue a formal complaint and hold a hearing pursuant to title 41, chapter 6, article 10. If as a result of an informal interview or a hearing the board determines that the facts do not warrant revocation or suspension of the license, it may take any of the following actions:
  - 1. Dismiss if the board believes **THERE IS NO EVIDENCE OF VIOLATION OF STATUTES, RULES, OR COMMUNITY STANDARDS OF PRACTICE**.
  - 2. File a letter of concern.
  - 3. Issue a decree of censure.
  - 4. Fix a period and terms of probation best adapted to protect the public health and safety and to rehabilitate or educate the psychologist. Probation may include temporary suspension for A PERIOD not to exceed twelve months, restriction of the license or restitution of fees to a client resulting from violations of this chapter. If a licensee fails to comply with a term of probation the board may file a complaint and notice of hearing pursuant to title 41, chapter 6, article 10 and take further disciplinary action.
  - 5. Enter into an agreement with the licensee to restrict or limit the licensee's practice or activities in order to rehabilitate the psychologist, protect the public and ensure the psychologist's ability to safely engage in the practice of psychology.
  - 6. Issue a nondisciplinary order requiring the licensee to complete a prescribed number of hours of continuing education in an area or areas prescribed by the board to provide the licensee with the necessary understanding of current developments, skills, procedures or treatment.
- H. If the board finds that the information provided pursuant to subsection A or B of this section warrants suspension or revocation of a license, it shall hold a hearing

pursuant to title 41, chapter 6, article 10. Notice of a complaint and hearing is fully effective by mailing a true copy to the licensee's last known address of record in the board's files. Notice is complete at the time of its deposit in the mail.

- I. The board may impose a civil penalty of at least three hundred dollars but not more than three thousand dollars for each violation of this chapter or a rule adopted under this chapter. The board shall deposit, pursuant to sections 35-146 and 35-147, all monies it collects from civil penalties pursuant to this subsection in the state general fund.
- J. If the board determines after a hearing that a licensee has committed an act of unprofessional conduct, is mentally or physically unable to safely engage in the practice of psychology or is psychologically incompetent, it may do any of the following in any combination and for any period of time it determines necessary:
  - 1. Suspend or revoke the license.
  - 2. Censure the licensee.
  - 3. Place the licensee on probation.
- K. A licensee may submit a written response to the board within thirty days after receiving a letter of concern. The response is a public document and shall be placed in the licensee's file.
- L. A letter of concern is a public document and may be used in future disciplinary actions against a psychologist. A decree of censure is an official action against the psychologist's license and may include a requirement that the licensee return fees to a client.
- M. Except as provided in section 41-1092.08, subsection H, a person may appeal a final decision made pursuant to this section to the superior court pursuant to title 12, chapter 7, article 6.
- N. If during the course of an investigation the board determines that a criminal violation may have occurred involving the delivery of psychological services it shall inform the appropriate criminal justice agency.
- O. IF THE BOARD FINDS THAT IT CAN TAKE REHABILITATIVE OR DISCIPLINARY ACTION AT ANY TIME DURING THE INVESTIGATIVE OR DISCIPLINARY PROCESS, IT MAY ENTER INTO A CONSENT AGREEMENT WITH THE PSYCHOLOGIST TO LIMIT OR RESTRICT THE PSYCHOLOGIST'S PRACTICE OR TO REHABILITATE THE PSYCHOLOGIST IN ORDER TO PROTECT THE PUBLIC AND ENSURE THE PSYCHOLOGIST'S ABILITY TO SAFELY ENGAGE IN THE PRACTICE OF PSYCHOLOGY. THE BOARD MAY ALSO REQUIRE THE PSYCHOLOGIST TO SUCCESSFULLY COMPLETE A BOARD APPROVED REHABILITATIVE, RETRAINING, OR ASSESSMENT PROGRAM AT THE PSYCHOLOGIST'S EXPENSE.

**32-2082. Right to examine and copy evidence; subpoenas; right to counsel; appeal**



- A. In connection with an investigation conducted pursuant to this chapter, at all reasonable times the board and its authorized agents may examine and copy documents, reports, records and other physical evidence wherever located relating to the licensee's professional competence, unprofessional conduct or mental or physical ability to safely practice psychology.
- B. The board and its authorized agents may issue subpoenas to compel the attendance and testimony of witnesses and the production of documents and other physical evidence as prescribed in subsection A. The board may petition the superior court to enforce a subpoena.
- C. Within five days of receiving a subpoena, a person may petition the board to revoke, limit or modify the subpoena. The board shall take this action if it determines that the evidence demanded is not relevant to the investigation. The person may petition the superior court for this relief without first petitioning the board.
- D. A person appearing before the board or its authorized agents may be represented by an attorney.
- E. Documents associated with an investigation are not open to the public and shall remain confidential. No documents may be released without a court order compelling their production.
- F. Nothing in this section or any other provision of law making communications between a psychologist and client privileged applies to an investigation conducted pursuant to this chapter. The board, its employees and its agents shall keep in confidence the names of clients whose records are reviewed during an investigation.

### **32-2083. Injunction**

- A. The board may petition the superior court for an order to enjoin the following:
  - 1. A person not licensed pursuant to this chapter from practicing psychology.
  - 2. The activities of a licensee that are an immediate threat to the public.
  - 3. Criminal activities.
- B. If the board seeks an injunction to stop the unlicensed practice of psychology, it is sufficient to charge that respondent on a certain day in a specific county engaged in the practice of psychology without a license and without being exempt from the licensure requirements of this chapter. It is not necessary to show specific damages or injury .
- C. The issuance of an injunction does not limit the board's authority to take other action against a licensee pursuant to this chapter.

### **32-2084. Violations; classification**

- A. It is a class 2 misdemeanor for a person not licensed pursuant to this chapter to engage in the practice of psychology.

- B. It is a class 2 misdemeanor for any person to:
  - 1. Secure a license to practice psychology pursuant to this chapter by fraud or deceit.
  - 2. Impersonate a member of the board in order to issue a license to practice psychology.
- C. It is a class 2 misdemeanor for a person not licensed pursuant to this chapter to:
  - 1. Use the designation "psychology", "psychological" or "psychologist."
  - 2. Use any combination of words, initials and symbols that leads the public to believe the person is licensed to practice psychology in this state.
- D. It is a class 2 misdemeanor for a person not licensed or not exempt from licensure pursuant to this chapter to use the designation "psychotherapist" or other derivation of the root word "psycho."

### **32-2085. Confidential communications**

- A. The confidential relations and communications between a client and a psychologist licensed pursuant to this chapter, including temporary licensees, are placed on the same basis as those provided by law between an attorney and client. Unless the client waives the psychologist-client privilege in writing or in court testimony, a psychologist shall not voluntarily or involuntarily divulge information that is received by reason of the confidential nature of the psychologist's practice. The psychologist shall divulge to the board information it requires in connection with an investigation, public hearing or other proceeding. The psychologist-client privilege does not extend in cases in which the psychologist has a duty to report information as required by law.
- B. The psychologist shall ensure that client records and communications are treated by clerical and paraprofessional staff at the same level of confidentiality and privilege required of the psychologist.

### **32-2086. Treatment and rehabilitation program**

- A. The board may establish a CONFIDENTIAL program for the treatment and rehabilitation of psychologists who are impaired. This program may include education, intervention, therapeutic treatment and **POST-TREATMENT** monitoring and support.
- B. The board may contract with other organizations to operate the program established pursuant to subsection A of this section. A contract with a private organization shall include the following requirements:
  - 1. Periodic reports to the board regarding treatment program activity.
  - 2. Release to the board on demand of all treatment records.

3. Quarterly reports to the board regarding each psychologist's diagnosis, prognosis and recommendations for continuing care, treatment and supervision.
  4. Immediate reporting to the board of the name of an impaired psychologist whom the treating organization believes to be a danger to the public or to the psychologist.
  5. Reports to the board, as soon as possible, of the name of a psychologist who refuses to submit to treatment or whose impairment is not substantially alleviated through treatment.
- C. The board may allocate an amount of not more than twenty dollars from each fee it collects from the biennial renewal of active licenses pursuant to section 32-2067 for the operation of the program established by this section.
- D. A psychologist who is impaired and who does not agree to enter into a stipulated order with the board shall be placed on probation or shall be subject to other action as provided by law.
- E. IN ORDER TO DETERMINE THAT A PSYCHOLOGIST WHO HAS BEEN PLACED ON PROBATION ORDER OR WHO HAS ENTERED INTO A STIPULATION ORDER PURSUANT TO THIS SECTION IS NOT IMPAIRED BY ALCOHOL OR SUBSTANCE ABUSE AFTER THAT ORDER IS NO LONGER IN EFFECT, THE BOARD OR ITS DESIGNEE MAY REQUIRE THE PSYCHOLOGIST TO SUBMIT TO BODILY FLUID EXAMINATIONS AND OTHER EXAMINATIONS KNOWN TO DETECT THE PRESENCE OF ALCOHOL OR DRUGS AT ANY TIME WITHIN THE FIVE CONSECUTIVE YEARS FOLLOWING TERMINATION OF THE PROBATIONARY OR STIPULATED ORDER.
- F. A PSYCHOLOGIST WHO IS IMPAIRED BY ALCOHOL OR SUBSTANCE ABUSE AND WHO WAS UNDER A BOARD STIPULATION OR PROBATIONARY ORDER THAT IS NO LONGER IN EFFECT SHALL REQUEST THE BOARD TO PLACE THE PSYCHOLOGIST'S LICENSE ON INACTIVE STATUS WITH CAUSE. IF THE PSYCHOLOGIST FAILS TO DO THIS THE BOARD SHALL SUMMARILY SUSPEND THE LICENSE PURSUANT TO SECTION 32-2081. IN ORDER TO REACTIVATE THE LICENSE THE PSYCHOLOGIST SHALL SUCCESSFULLY COMPLETE A BOARD APPROVED LONG TERM CARE RESIDENTIAL TREATMENT PROGRAM, AN INPATIENT HOSPITAL TREATMENT PROGRAM OR AN INTENSIVE OUTPATIENT TREATMENT PROGRAM, AND SHALL MEET THE REQUIREMENTS OF 32-2074. AFTER THE PSYCHOLOGIST COMPLETES TREATMENT THE BOARD SHALL DETERMINE IF IT SHOULD REACTIVATE THE LICENSE WITHOUT RESTRICTIONS OR REFER THE MATTER TO A FORMAL HEARING FOR THE PURPOSE OF SUSPENDING OR REVOKING THE LICENSE OR TO PLACE THE PSYCHOLOGIST ON PROBATION WITH RESTRICTIONS NECESSARY TO ASSURE THE PUBLIC'S SAFETY.
- G. THE BOARD MAY REVOKE THE LICENSE OF A PSYCHOLOGIST IF THAT PSYCHOLOGIST IS IMPAIRED BY ALCOHOL OR DRUG ABUSE AND WAS PREVIOUSLY PLACED ON PROBATION PURSUANT TO SUBSECTION F OF

THIS SECTION AND THE PROBATION IS NO LONGER IN EFFECT THE BOARD MAY ACCEPT THE SURRENDER OF THE LICENSE IF THE PSYCHOLOGIST ADMITS IN WRITING TO BEING IMPAIRED BY ALCOHOL OR DRUG ABUSE.

H. AN EVALUATOR, TREATMENT PROVIDER, TEACHER, SUPERVISOR OR VOLUNTEER IN THE BOARD'S SUBSTANCE ABUSE TREATMENT AND REHABILITATION PROGRAM WHO ACTS IN GOOD FAITH WITHIN THE SCOPE OF THAT PROGRAM IS NOT SUBJECT TO CIVIL LIABILITY, INCLUDING MALPRACTICE LIABILITY, FOR THE ACTIONS OF A PSYCHOLOGIST WHO IS ATTENDING THE PROGRAM PURSUANT TO BOARD ACTION.,

These Statutes are effective as of January 1, 2008 as approved by the 48<sup>th</sup> Legislature, 1<sup>st</sup> Regular Session.

(Revised 12/12/07)